REMARKS

Claims 1-4 are currently pending, wherein claims 2-4 have been withdrawn from consideration, and claim 1 has been amended. Favorable reconsideration is respectfully requested in view of the remarks presented herein below.

In paragraph 3 of the Office action ("Action"), the Examiner rejects claim 1 as being anticipated by U.S. Patent Publication No. 2003/0226370 to Tanimoto et al. ("Tanimoto"). Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. § 102, the cited reference must teach each and every claimed element. In the present case, Tanimoto fails to anticipate claim 1 because Tanimoto fails to disclose each and every claimed element a discussed below.

Claim 1 defines a refrigeration system for vapor compression refrigeration cycle. The system includes, *inter alia*, a heat source circuit provided with a high temperature compressor; a utilization circuit connected to the heat source circuit and provided with an evaporator and a low temperature compressor; an operation control unit that switches the high temperature compressor between an actuated state and a suspended state based on a refrigerant suction pressure; and an actuation control unit that actuates the low temperature compressor to increase the refrigerant suction pressure of the high temperature compressor when the high temperature compressor is suspended and given conditions including a condition concerning a request for cooling in the evaporator are met.

Tanimoto discloses a refrigeration system that includes, *inter alia*, a chiller unit and a freezer unit. The freezer unit is provided with a freezing compressor for compressing a refrigerant in a total of two stages together with a compressor in an outdoor unit. Although the

freezing compressor of Tanimoto raises the pressure of the refrigerant exiting the freezing cooler to a first predetermined pressure PL1, nowhere in Tanimoto is there any disclosure of a control unit that actuates the freezing compressor to increase the refrigerant suction pressure of the outdoor compressor when the outdoor compressor is suspended and given conditions are met as recited in claim 1. In addition, Tanimoto fails to disclose how the operations of the high temperature compressor and the low temperature compressor relate to the refrigerant suction pressure.

In rejecting claim 1, the Examiner asserts that "an actuation control means for actuating the low temperature compressor, based on a refrigerant suction pressure" is inherent to the system of Tanimoto because Tanimoto "explicitly disclosed to switch between suspended and actuated or operating states based on pressure...and cannot change operation states of the various compressors without some operation or actuation control means." Although it may be true that the system of Tanimoto cannot change operation states of the various compressors without some control means, as asserted by the Examiner, it is NOT inherent that such a control means would actuate a low temperature compressor to increase the refrigerant suction pressure of the high temperature compressor when the high temperature compressor is suspended and given conditions including a condition concerning a request for cooling in the evaporator are met as recited in claim 1. At best, Tanimoto inherently only discloses a control means for actuating the various compressors, not for executing the specific control recited in claim 1. Accordingly, claim 1 is patentable over Tanimoto for at least the reason that Tanimoto fails to disclose each and every claimed element.

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle Reg. No. 46,607 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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